

SEP 09 2008

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ORDINANCE NO. 2008 - 021

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR THE **MILITARY/HYPOLUKO RESIDENTIAL** (LGA 2008-008), PRIVATELY INITIATED AMENDMENT, MODIFYING PAGE 82 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 20.63 ACRES OF LAND, GENERALLY LOCATED ON THE EAST SIDE OF MILITARY TRAIL APPROXIMATELY 2/5TH OF MILE NORTH OF HYPOLUKO ROAD, FROM MEDIUM RESIDENTIAL, FIVE UNITS PER ACRE (MR-5), TO HIGH RESIDENTIAL, EIGHT UNITS PER ACRE (HR-8), SUBJECT TO CONDITIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

**WHEREAS**, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted its public hearings on February 8, February 22, March 28, and April 11, 2008 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 28, 2008 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and **WHEREAS**, Palm Beach County received the Department of Community Affairs "Objections, Recommendations, and Comments

Report," dated July 11, 2008 which was the Department's written review of the proposed Comprehensive Plan amendments; and

**WHEREAS**, the written comments submitted by the Department of Community Affairs contained an objection to the amendment contained in this ordinance;

**WHEREAS**, on August 21, 2008 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

**WHEREAS**, the Palm Beach County Board of County Commissioners has determined that the amendment satisfies the concerns addressed in the Department of Community Affairs' "Objections, Recommendations and Comments Report" and comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

**Part I. Amendments to the Future Land Use Atlas of the Future Land Use Element of the 1989 Comprehensive Plan**

The following amendment to the Future Land Use Atlas is hereby adopted and attached to this Ordinance as Exhibit 1:

**1. Future Land Use Atlas page 82 is amended as follows:**

**Application:** **Military/Hypoluxo Residential** (LGA 2008-008),

**Amendment:** From Medium Residential, five units per acre (MR-5), to High Residential, eight units per acre (HR-8),

**Location:** On the east side of Military Trail, approximately 2/5th of a mile north of Hypoluxo Road,

**Size:** Approximately 20.63 acres,

**Conditions:** The master plan for this property shall clearly indicate cross access easements with the proposed commercial development to the south (Application LGA 2008-004) and a shared access road to Military Trail along the property line separating the two developments. In addition, the road

easement on the east of this property shall line up with the existing Nova Road easement.

**Part II. Repeal of Laws in Conflict**

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

**Part III. Severability**

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

**Part IV. Inclusion in the 1989 Comprehensive Plan**

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

**Part V. Effective Date**

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

**APPROVED AND ADOPTED** by the Board of County Commissioners of  
Palm Beach County, on the 21st day of August, 2008.

ATTEST:

SHARON R. BOCK, CLERK  
& COMPTROLLER

By:

*Judith C. Greene*  
Deputy Clerk

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

PALM BEACH COUNTY, FLORIDA,

BY ITS BOARD OF COUNTY COMMISSIONERS

*Addie L. Greene*  
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

*Alf D. Ogle*  
COUNTY ATTORNEY

Filed with the Department of State on the 28th day of  
August, 2008.

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## EXHIBIT 1

A. Future Land Use Atlas page 82 is amended as follows:

**Amendment No.:** **Military /Hypoluxo Residential (LGA 2008-008)**

**FLUA Page No.:** 82

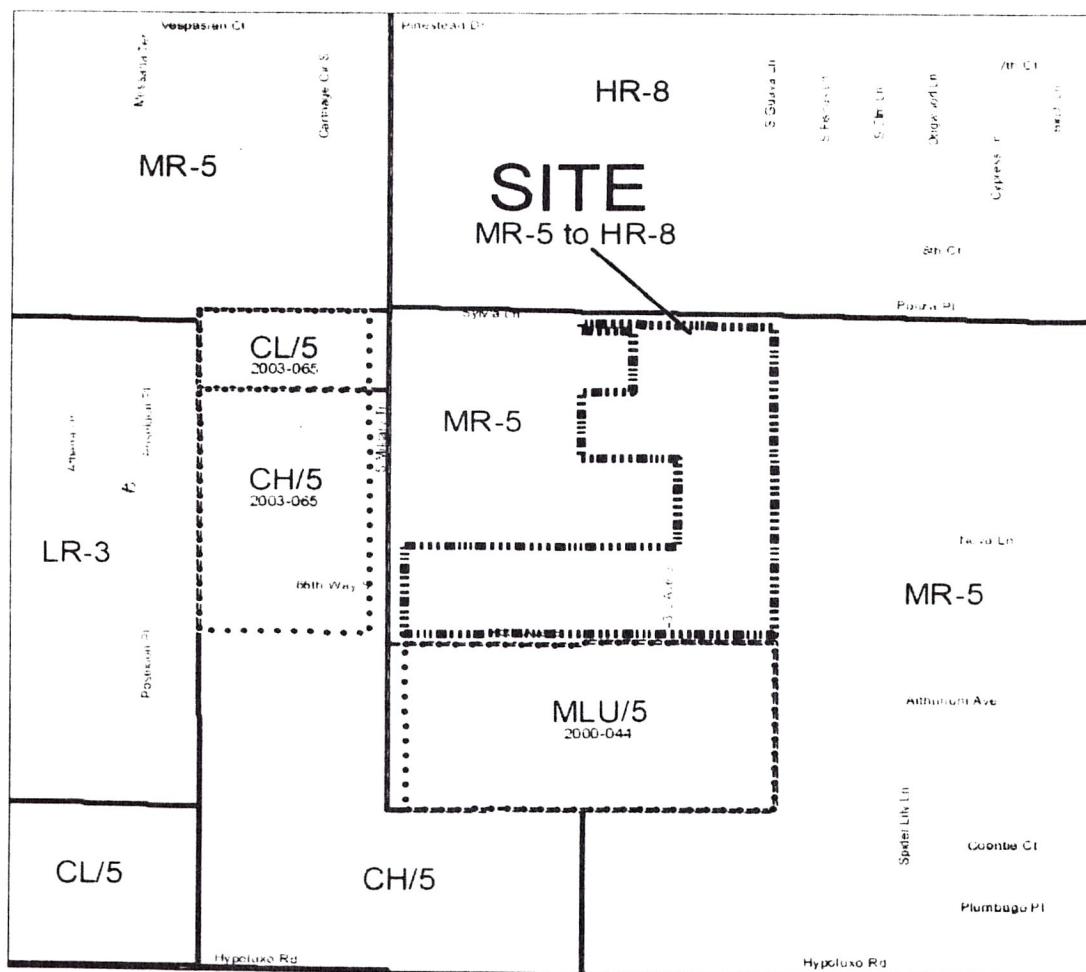
**Amendment:** From Medium Residential, five units per acre (MR-5), to High Residential, eight units per acre (HR-8)

**Location:** On the east side of Military Trail approximately 2/5<sup>th</sup> of mile north of Hypoluxo Road

**Size:** Approximately 20.63 acres

**Property No.:** 00-42-45-01-00-000-5000; 00-42-45-01-00-000-5032;  
00-42-45-01-00-000-5090; 00-42-45-01-00-000-5091;  
00-42-45-01-00-000-5110; 00-42-45-01-00-000-5120;  
00-42-45-01-00-000-5160

**Condition:** The master plan and the final site plan for this property shall clearly indicate cross access easements with the proposed commercial development to the south (Application LGA 2008-004) and a shared access road to Military Trail along the property line separating the two developments. In addition, the road easement on the east of this property shall line up with the existing Nova Road easement.



**Legal Description for 7 parcels**

**PARCEL 1: Southern Trails, LLC**

THE SOUTH % OF THE WEST 'A OF THE SOUTH 1/2 OF THE SOUTHWEST % OF THE NORTHWEST % OF THE SOUTHEAST % OF SECTION 1. TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THEREFROM THE WEST 53 FEET FOR STATE ROAD 809 RIGHT OF WAY

**PARCEL 2: Southern Trails, LLC**

THE NORTH 'A OF WEST 'A OF THE SOUTH 'A OF THE SOUTHWEST % OF THE NORTHWEST % OF THE SOUTHEAST % OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LWESS AND EXCEPT THEREFROM THE WEST 50 FEET FOR STATE ROAD 809 RIGHT OF WAY

**PARCEL 3: Southern Trails, LLC**

THE EAST '4 OF THE SOUTH 'A OF THE SOUTHWEST '4 NORTHWEST % OF THE SOUTHEAST % OF SECTION, TOWNSHIP 45 SOUTH, RANGE 42 EAST PALM BEACH COUNTY, FLORIDA

**PARCEL 4: Southern Trails, LLC**

THE NORTHEAST % OF THE NORTHWEST % OF THE SOUTHEAST % OF SECTION 1. TOWNSHIP 45 SOUTH, RANGE 42 EAST PALM BEACH COUNTY, FLORIDA LESS AND EXCEPT THE SOUTH 242 FEET OF THE NORTH 428.03 FEET OF THE WEST 180 FEET THEREOF.

**PARCEL 5: Anthony Lasala**

SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST % OF THE SOUTHEAST 1/4 OF SECTION 1. TOWNSHIP 45 SOUTH, RANGE 42 EAST PALM BEACH COUNTY, FLORIDA. SUBJECT TO AN EASEMENT FOR ROAD AND UTILITY PURPOSES OVER THE EAST 20 FEET THEREOF.

TOGETHER WITH UNDIVIDED 1/4 INTEREST IN THE NORTH 30 FEET OF THE NORTHWEST % OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST % AND THE NORTH 40 FEET OF THE PART OF THE NORTHWEST % OF THE SOUTHWEST % OF THE SOUTHEAST % OF SAID SECTION 1. TOWNSHIP 45 SOUTH RANGE 42 EAST LYING EAST OF EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL (AX.A S.R. 809)

LESS AND EXCEPT THE FOLLOWING:

A PORTION OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 1:

THENCE NORTH 0°11'39" WEST ALONGTHE NORTH-SOUTH ONE-QUARTER SECTION LINE, A DISTANCE OF 1372.70 FEET; THENCE NORTTH 89°48'21" EAST AS MEASURED AT RIGHT ANGLES TO SAID NORTH-SOUTH ONE SECTION LINE, A DISTANCE OF 50.00 FEET TO A POINT ON THE EXISITING EASTERLY RIGHT-OF-WAY OF MILITARY TRAIL, AS SHOWN ON STATE OF FLOIRDA, STATE ROAD DEPARTMENT, RIGHT-OF-WAY MAP, ROAD NO. 809, SECTION 9375-113, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 89° 45'50" EAST. A DISTANCE OF 3.00 FEET;THENCE SOUTH 0°11'39" EAST PARALLEL WITH AND 3.00 FEET EAST OF THE EASTERLY RIGHT OF WAY LINE OF SAID MILITARY TRAIL, A DISTNACE OF 40.00 FEET; THENCE SOUTH 89° 45'50" WEST, A DISTANDCDE OF 3.00 FEET TO THE EXISITNG RIGHT-OF-WAY OF SAID MILITRAY TRAIL; THENCE NORTH 0° 11' 39" WEST ALONG EXISITING EASTERLY RIGHT-OF-WAY OF SAID MILITRAY TRAIL, A DISTANCE OF 40.00 FEE; THENCE SOUTH 89°45'50" WEST. A DISTANCE OF 3.00 FEET TO THE EXISITING RIGHT-OF-WAY OF SAID MILITARY TRAIL; THENCE NORTH 0°11"39" WEST ALONG THE EXISITING EASTERLY RIGHT-OF-WAY OF SAID MILITRAY TRAIL, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

**PARCEL 6: Anthony LaSala**

THE SOUTHEAST QUARTER (SE 1/4) QUARTER OF SOUTHEAST QUARTER (SE 1/4) QUARTER OF THE NORTHWEST QUARTER (NW) OF THE SOUTHEAST QUARTER (SE 1/4) AND THE NORTH EET OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) ALL LYING IN SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST PALM BEACH COUNTY, FLORIDA, SUBJECT TO AN EASEMENT FOR ROAD AND UTILITIES PURPOSES OVER THE WEST 20.00 FEET THEREOF.

TOGETHER WITH UNDIVIDED QUARTER (1/4) INTEREST IN THE NORTH 30.0 FEET OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 'A) OF SAID SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST PALM BEACH COUNTY, FLORIDA, LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF MILITRAY TRAIL (S.R. 809).

**PARCEL 7: Anthony House**

THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEST QUARTER (SE 1/4) OF SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST PALM BEACH COUNTY, FLORIDA, SUBJECT TO AN EASEMENT FOR ROAD AND UTILITIES PURPOSES OVE THE WEST 20.00 FEET THEREOF.

TOGETHER WITH AN EASEMENT FOR ROAD AND UTILITY PURPOSES OVER THE EAST 20.00 FEET OF THE SOUTHWEST QUARTER (SW 'A) OF THE SOUTHEAST QUARTER (SE 'A) OF THE NORTHWEST QUARTER(NW 'A) OF THE SOUTHEAST QUARTER (SE 'A) AND THE WEST 20.00 FEET OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) AND THE WEST 20.00 FEET OF THE NORTH 30.0 FEET OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 'A) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4), ALL LYING IN SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST PALM BEACH COUNTY, FLORIDA,

TOGETHER WITH AN UNDIVIDED QUARTER (1/4) INTEREST IN THE NORTH 30.0 FEET OF THE NORTHWEST QUARTER (NW 'A) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (NE 'A) AND THE NORTH 40.0 FEET OF THAT PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OS SAID SECTION 1, TOWNSHIP 45 SOUTH, RANGE 42 EAST, LYING EAST OF THE EAST RIGHT-OS-WAY LINE OF MILITARY TRAIL, (S.R. 809)



# SOUTHERN TRAILS

## SITE DATA

PROJECT NAME: Military/Hypoluxo Residential  
PROJECT NUMBER: LGA 2008-008

TIER: Urban-Suburban

**EXISTING LAND USE: MR-5**

**PROPOSED LAND USE: HR-8**

**EXISTING ZONING DISTRICT: AR**

PROPOSED ZONING DISTRICT: PDD

SECTION 01 TOWNSHIP 45 SEC

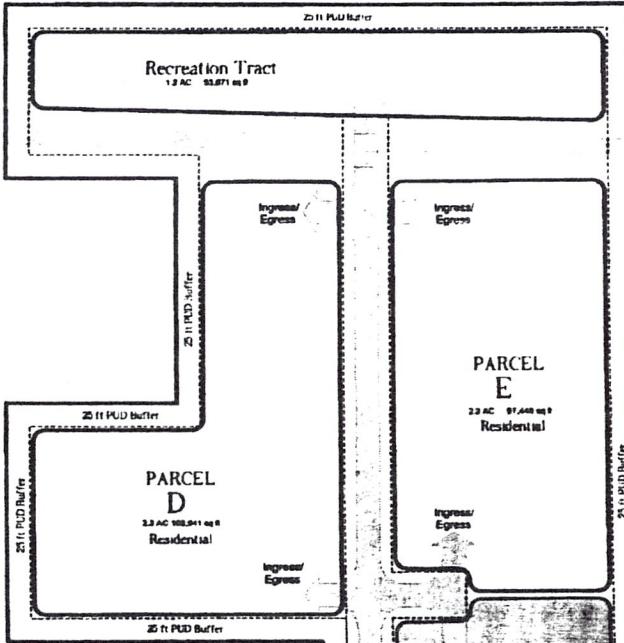
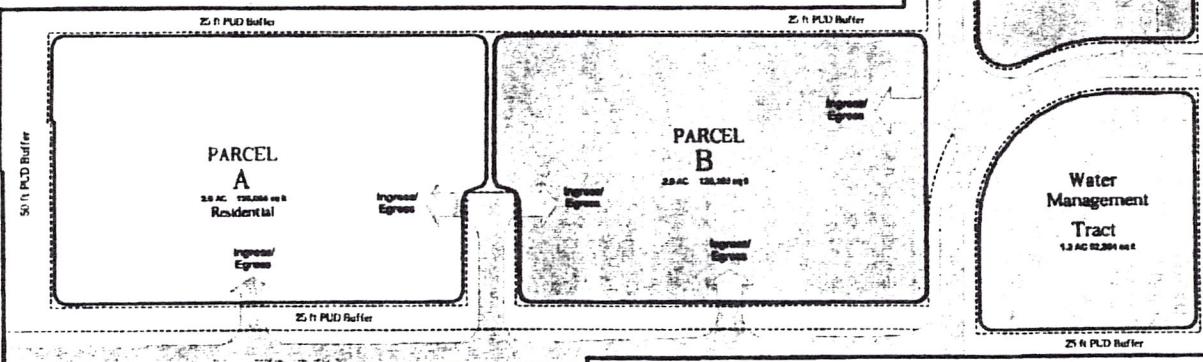
**PROPOSED USE:** Planned Development

PROPOSED USE: Planned Development District  
TOTAL SITE ACREAGE: 20.63 Acres

**TOTAL SITE ACRESAGE: 20.65 Acres**  
**PB City Water Utilities Available**

## FB City Water Utilities Available

MILITARY TRAIL



STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, SHARON R. BOCK, Clerk and Comptroller  
certify this to be a true and correct copy of the original  
filed in my office on August 21, 2008  
dated at West Palm Beach, Florida.

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**FROGNER CONSULTING**  
LLC

